



# Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 495

## IN THE MATTER OF JOHN BARTLEY

### DISPOSITION AGREEMENT

This Disposition Agreement ("Agreement") is entered into between the State Ethics Commission ("Commission") and John Bartley ("Bartley") pursuant to §5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On June 22, 1993, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into allegations that Bartley had violated the conflict of interest law, G.L. c. 268A. The Commission has concluded its inquiry and, on February 25, 1994, voted to find reasonable cause to believe that Bartley violated G.L. c. 268A, §23(b)(3).

The Commission and Bartley now agree to the following facts and conclusions of law:

1. Bartley served in the state legislature from January 1987 until January 1991. During that time, he served on various committees, including the Health Care Committee.
2. Bartley, as a member of various legislative committees, participated in many hearings on bills of interest to the insurance industry. Such participation included voting on whether such bills should be reported out of committee. Bartley also voted on bills of interest to the insurance industry when they reached the House floor.
3. During the period relevant here, Ralph Scott ("Scott") was a Massachusetts registered legislative agent for the John Hancock Mutual Life Insurance Company, Inc. ("Hancock"). Hancock, a Massachusetts corporation, is the nation's sixth largest life insurer doing business in all 50 states. It offers an array of life, health and investment products. As a Massachusetts domiciled life insurer, its activities are more comprehensively regulated by Massachusetts than by any other state.
4. At all relevant times, Bartley knew that Scott was a Massachusetts registered legislative agent for Hancock.
5. Scott and Bartley met sometime around 1979, when both were working as legislative staffers at the State House. According to Bartley, they developed a close personal friendship, which continued after Bartley became a legislator and Scott became a lobbyist, and which involved frequent socializing between Bartley and Scott, and occasional socializing with their wives and children. Such socializing did not involve any legislative business or have any legislative purpose.
6. In September 1990 Bartley was defeated in his primary campaign for re-election, and was thus scheduled to complete his legislative tenure in the first week of January 1991.
7. Between December 5 and December 8, 1990, Bartley and Scott stayed in St. Thomas, Virgin Islands. A Council of State Government (CSG) conference was being held on St. Thomas at that time. Hancock's records pertaining to Scott indicate he was there on Hancock business; he entertained a number of Massachusetts

legislators. Bartley knew Scott was there on Hancock business and was entertaining other Massachusetts legislators on behalf of Hancock. Bartley, however, went to St. Thomas on vacation.

8. Scott allowed Bartley to take advantage of an airline promotion which enabled Bartley to purchase a round trip ticket for \$108.31 once Scott purchased a round trip ticket at the full price of \$580.81. The total cost of both tickets was \$689.12. Therefore, dividing the total cost by two and subtracting the \$108.31 that Bartley paid, Bartley received from Scott a benefit of \$236.25 in reduced airfare costs.

9. Bartley and Scott traveled together to St. Thomas and Scott allowed him to share the hotel room which Scott had previously reserved for himself. The total lodging expenses for the three nights were \$666.52. Scott paid for these expenses; therefore, Bartley received from Scott a \$333.26 benefit in lodgings.

10. On the evening of December 7, 1990, Bartley and Scott had dinner at the Chart House restaurant in St. Thomas. Scott paid for this meal. Bartley's pro rata share of the cost of the dinner was \$45.13. On December 8, 1990, Scott paid for Bartley's golf expenses at the Mahogany Run Golf Club in St. Thomas. The cost was \$51.

11. In total, Scott provided Bartley with \$665.64 in benefits in connection with the St. Thomas trip. Hancock reimbursed Scott for the expenses related to these benefits. Consequently, it was Hancock that provided these benefits.<sup>1/</sup>

12. General Laws, c. 268A, §23(b)(3) prohibits a public employee from knowingly, or with reason to know, acting in a manner which would cause a reasonable person having knowledge of the relevant circumstances to conclude that anyone can improperly influence or unduly enjoy his favor in the performance of his official duties.

13. By accepting benefits of \$665.64 in meals, discounted airfare, shared lodging and golf expenses from Hancock through its lobbyist Scott, all while Bartley was in a position to take official action which could benefit Hancock, Bartley knowingly or with reason to know acted in a manner which would cause a reasonable person knowing all of the facts to conclude that the lobbyist could improperly influence him in the performance of his official duties. In so doing, he violated §23(b)(3).<sup>2/</sup>

14. Scott never lobbied or attempted to lobby Bartley in connection with any matter in which Hancock had an interest. Additionally, the Commission found no evidence that Bartley was, in fact, improperly influenced by Hancock or Scott.

15. Bartley cooperated with the Commission's investigation.

16. In view of the foregoing violations of G.L. c. 268A by Bartley, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Bartley:

(1) that Bartley pay to the Commission the sum of two hundred fifty dollars (\$250.00) for violating G.L. c. 268A, §23(b)(3); and

(2) that Bartley waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this agreement and in any related administrative or judicial proceedings to which the Commission is or may be a party.

**Date: July 19, 1994**

<sup>1/</sup> Bartley contends that he did not know Hancock paid for the benefits he received in St. Thomas from Scott. Bartley knew, however, that Scott traveled to St. Thomas on Hancock business and entertained legislators while there. Under these circumstances, Bartley had reason to know who paid his expenses.

<sup>2/</sup> Bartley asserts that Scott was motivated by friendship to provide the gratuities to him. The Commission accepts that assertion. In addition to the evidence Bartley provided concerning his friendship with Scott, the fact that they traveled, shared a hotel room and dined together while in St. Thomas is persuasive that friendship was the predominant motivation for the gratuities.

Had the Commission determined that Bartley believed Scott's gifts were motivated in part for or because of an official act performed

or to be performed by Bartley, the Commission would have found that Bartley had violated G.L. c. 268A, §3, a more serious violation. However, the Commission found credible Bartley's testimony that he believed that Scott was motivated by friendship to pay for Bartley's expenses. In the Commission's view, however, friendship and personal ties only serve to enhance the appearance of favoritism that arises when a legislator accepts items of substantial value from a lobbyist.